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 UNITED STATES OF AMERICA

FILED IN THE
 UNITED STATES DISTRICT COURT
 DISTRICT OF HAWAII

SEP 08 2004

at 12 o'clock and 20 min P
 WALTER A.Y.H. CHINN, CLERK M.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. CRO 4 00336 SOM
)	INDICTMENT
Plaintiff,)	
vs.)	18 U.S.C. §§ 2244(a)(2), 2246(3), 2242(2)(B) & 49 U.S.C. § 46506(1)
FONO LUAPO ATIGA,)	
)	
Defendant.)	

INDICTMENT

COUNT 1

(18 U.S.C. §§ 2244(a)(2), 2246(3), 2242(2)(B) &
 49 U.S.C. § 46506(1))

The Grand Jury charges:

On or about August 17, 2004, while aboard an aircraft
 within the special aircraft jurisdiction of the United States,
 that is, Hawaiian Airlines Flight # 466, originating in Pago
 Pago, American Samoa, and bound for Honolulu, Hawaii, and the
 District of Hawaii, defendant FONO LUAPO ATIGA, with the intent

to arouse and gratify his own sexual desire, did knowingly and intentionally engage in "sexual contact" with another person as that term is defined by 18 U.S.C. § 2246(3), that is, the defendant intentionally touched, through the clothing, the groin area and inner thigh of C.S., who was sleeping in the seat next to the defendant on the airplane and who was physically incapable of communicating her unwillingness for the defendant to engage in that sexual contact.

All in violation of Title 18, United States Code, Sections 2244(a)(2), 2246(3), 2242(2)(B), and Title 49, United States Code, Section 46506(1).

COUNT 2

(18 U.S.C. §§ 2244(a)(3), 2246(3), 2242(2)(B) &
49 U.S.C. § 46506(1))

The Grand Jury further charges:

On or about August 17, 2004, while aboard an aircraft within the special aircraft jurisdiction of the United States, that is, Hawaiian Airlines Flight # 466, originating in Pago Pago, American Samoa, and bound for Honolulu, Hawaii, and the District of Hawaii, defendant FONO LUAPO ATIGA, with the intent to arouse and gratify his own sexual desire, did knowingly and intentionally engage in "sexual contact" with another person as that term is defined by 18 U.S.C. § 2246(3), that is, the defendant intentionally took the hand of C.S., who was sleeping in the seat next to the defendant on the airplane and who was physically incapable of declining participation in any type of

sexual contact, and the defendant caused C.S.'s hand to touch his genitalia through his clothing.

All in violation of Title 18, United States Code, Sections 2244(a)(2), 2246(3), 2242(2)(B), and Title 49, United States Code, Section 46506(1).

DATED: September 8, 2004, at Honolulu, Hawaii.

A TRUE BILL

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FOREPERSON, GRAND JURY

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UNITED STATES v. FONO LUAPO ATIGA
Cr. No. (Indictment)